

QUID NOVI

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QUID NOVI

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EDITORIAL

by Andrea Gorys (Law III)
Co-Editor-in-Chief

It's always at the beginning of autumn that stress seems to start to settle into the Faculty. The first few weeks of school have been all about fun, catching up, and getting to know the new faces. Now that summer is officially over, it's time to get down to business. The first legal meth assignment has been doled out and OCI interviews are starting, it's little wonder that everyone feels pressured. But it's important to learn to cope with it and not to let all this stress take over our lives. We need to keep things into perspective as the Well-Being Committee puts it so well! Be sure to keep an eye out to its events and efforts to keep you feeling like yourself and not a ball of knots! And for those of you who are going through OCI's and competitive moots, your friendly law school colleagues, Ryan Kirshenblatt and Joshua Krane, have got words of wisdom!

Bottom line, try not to pressure yourself too much. What's really important is staying healthy, active and happy. Otherwise it's not worth it! The activities you do outside of law school are what keep you balanced! It's important not to push those aside just because you're feeling the crunch. Don't lose yourself in the shuffle; be good to yourself.

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OCI's: THE CRAPS TABLE AT LAW'S CASINO

by Ryan Kirshenblatt (GRAD LAW II)

Didn't I write something like this last year? I could swear I did. Eh, you probably didn't read it anyway. But, as this time always brings back fond memories of the 2003 Firm Recruiting season, I can't resist giving my opinion on this process. I vividly remember my encounters with the glitz and glamour of Toronto's firms – by far one of the better comedy shows of the year about pomposity. The price of admission was merely the same suit everyone else was wearing. Act I was the OCI process, Act II was the callback stage, and everyone wants to stick around for the tragic ending in Act III where the hero accepts his offer and its associated perks, while his conscience nags at him that he could've been doing something a little sexier with his law degree. This week I'm focusing on Act I. Sit down while you read this. It'll take a while.

A handful of you are worried as this process gets underway.

You want to make a good impression, and so you should. What scares me is the vast amount of micromanagement students put into this. If you only ran your lives as meticulously as you planned your interview strategies, you'd have screwed up a lot less in life. And as hindsight has demonstrated, few of those mistakes really set you back, and life went on. The same goes for the interview process. Expect to be less than perfect. God knows the firms are. I'm disappointed in them though. I'm disappointed that the firms think they have to actually convince people to work for \$65,000 a year when the average Canadian gets by on half of that. I find it ironic that the firms who thrive on capitalism and tout its merits are the same ones who create a salary cartel by capping compensation at \$1300 per week, with the exception of those traitors at Bennett Jones.

I wish I knew the formula for acing these

interviews and having all the firms worshipping you like you're the Second Coming of Christ. I was never able to draw any hard and fast rules, and I'm resisting the temptation to give you a tip sheet where each suggestion starts with "Be," "Do," or "Don't." I've always been a fan of the power of narrative to make my point. What are the Firms like?

Well, by now you've reached the stunning conclusion that most of them are "full service firms that pride themselves on a professional – yet collegial – environment, where the quality of work is 'excellent' and there's a 'strong emphasis on work/life balance.'" Way to put those strong legal research skills to use on the firms' websites. Full service? Gas stations are full service. Would McGill University be a full service institution if it offered the Business School as its only faculty? Doubt it. Collegial? Would you describe your relation-

ship with anyone you actually like as "collegial?" Doubt it too.

The firms aren't like the Borg. They're composed of seemingly normal people poised to recruit the best and brightest to join their pyramid scheme of downloading work to the least-cost provider, i.e. you. The lawyers work very hard, and this interview day is a real vacation for them to see what today's law students are up to, and reminisce about their alma mater. They want to have fun. They need it. Badly.

The firms are like any other business you're familiar with. They need to make money and they need the right employees to help them do that. They're praying they guessed right about you. They have customers that like to be kept happy, and like to be serviced by people they can trust, hit on, or can at least successfully sue. They try to uphold a particular firm philosophy and culture, which as laudable as that is, is difficult to have internalized by 200-300 other people at the same time. It's not easy. When that many people suddenly believe in their organi-

zation without question, it's called a cult.

What Are The Firms Looking For?

The firms call this "fit." Shoes fit. They also get walked through mud, worn out and tossed in the garbage when they're no longer useful to the wearer. So think again about "fit." They're looking for students who won't screw up, won't piss too many people off, and are generally likeable people who with the right grooming, can bring in clients one day.

They're hoping you're the kind of person who'll be a wizard deal-maker who plays hard-ball when necessary, but right after the signatures are collected can head downstairs, select the right brand of scotch, and talk about times gone by. It's hard to gauge in 20 minutes whether a particular person is going to be like that in 5-7 years, no less than you can pick which penny stock will be worth millions. And if you can, you should really reconsider law as a career. In the short term, they're looking for people who can sell the firm to other young lawyers, mingle at Coffeeshop in a suit, and who make good poster

children on the firm website. "Tommy spent last summer in Rwanda." "Suzie volunteers with Yellow Brick House." "David was the editor of the Aboriginal Law Journal." Someone reading this website says "Wow! Those students are just like me! I'll be a great fit at this firm!" But any businessman knows that the possibilities for mergers and acquisitions taking place in Rwanda are about as slim as finding the next biotech company at Yellow Brick House. Tommy, Suzie and David all golf now. What Are the Interviews Like?

The interviews are like when guys try and pick up girls at a bar and the girl has to look interested to get the free drinks but on the inside is dying of laughter. The guy knows he's full of it, and so does she. But the two people run the script as they're supposed to, and sometimes people go home happy. To say the firms aren't expecting you to perform is baloney considering they're already sitting in chairs like an audience and you have to walk through a curtain in order to talk to them. Lights, camera, action! Some

firms like to come in with something really original. You've heard rumours about "what kind of animal are you?" but I assure you they won't ask. If they do, catch them with a good one about "I would be an ant. I'm small, don't mind being stepped on by my superiors and can lift 50 times my own body weight." Or throw it back at them and ask "what does this firm-branded toy/souvenir you gave me say about your firm?" Torys asked me what I thought of this whole process and I replied "it's a lot like speed-dating, actually." Deborah Glatter, the Student Coordinator at Cassels Brock, pulled a good one on me when she asked me if I actually wrote my own cover letter. Why? Because she thought it was so good that the firm wanted to quote my letter for reasons why I want to work there. I told her and her co-interviewer that first, "don't you think you should be able to come up with your own reasons why people should work here?" and second, "that depends. Are you hiring me?" When they throw you a curve, don't be afraid to take a swing. Nobody

made it to the Hall Of Fame by drawing walks all the time.

Often the firms are interested in the random things that make you who you are. Be ready to discuss just about anything that's on your resume – your volunteer experience, and that pseudo-rewarding job as a footnote editor for the law journal. Use the items on your resume to tie into your career aspirations if you're asked what you want to do for a living. It's easier to say you're committed to litigation if you were doing Student Advocacy. Toss them a fridge magnet from Stu-Ad for their trouble. If they ask what your favourite classes are, one of them better be Business Associations. They usually ask about the things that make you stand out from everyone else. I had 18 OCI's and every single one of them asked me why I spent my first year of law school at Villanova. If you played varsity hockey or football, at least three firms will ask you about that. If you're interviewed by two guys who look like they just graduated, it's a guarantee. Get one or two good anecdotes about your time spent volun-

teering in the leper colony.

Sometimes you'll be able to tell just how excited the firms are about you – i.e. you've been "pre-selected" for greatness. These are the firms that know your resume cold, like they actually studied for this interview instead of being handed a summary. You know what that's all about, right?!

Other firms will be cold. It's not intentional. They are just people with zero personality. I walked into my interview with Davies and two guys who looked like they escaped from a yacht club greeted me with "Hey, what's up." I didn't know whether to shake their hands or give them the fist-bump/pound. We spent the entire interview talking about how they loved Harvard Law and our thoughts on NCAA sports. You really don't know where the interviewers will take you. Personality types at interviews are a bag of mixed nuts.

Other firms send the scholars to interview you. These are gold medalists that clerked for the Supreme Court, or their own member of Lexpert's Top 40 Under 40.

If they have the nerve to remind you of their stature, ask for their autograph. Sometimes they're a little eccentric, but that doesn't take away from their sheer brilliance, and how much you can learn from them if they take the time to really teach you.

Goodmans' likes to consider itself the "cool" firm of Toronto. Because of their sports connections (the managing partner is on the board of Maple Leaf Sports and Entertainment) they feel that they've got something up on the other firms because local sports figures come to the office now and then, and tickets seem to be given away almost weekly. They're also the "pretty" firm. Much of their personnel seem to look good and hit the gym. What else would you expect from the only firm in Toronto to have employed a former Playmate? They might care less about the B's on your transcript than the C's in your blouse.

The standard interview has two people. One sits and writes things down while the other asks you questions. Then they switch. Osler sometimes sends in three.

The boutiques make you go one-on-one. Do You Have Any Questions About Our Firm?

Let's return to the analogy of interviews are like bar pickup attempts. The guy's only question really is "what are the odds you're going home with me tonight?" but he can't say that out loud. Similarly, your only real question is "what are the odds you're going to hire me?" and you can't say that out loud either. So the question period is really pointless, but you can't say "I don't have any questions" because you'll look disinterested. Every firm is prepared for the standard questions about "what's your rotation policy?" "what social events are planned?" and "what kind of work will I get to do?" Even worse, you already know the answers. So you're left with an option – you can politely advise them that "actually I found your website really informative and got a lot of my questions answered there."

Or you can do what I did. Ask them something they're totally unprepared for. Ask them who their office prankster is, and if

they seem shocked, tell them that since they say their firm is friendly and collegial and people enjoy working there because of the personality types, then there must be someone who is the glue that holds them together when things get stressful. Then throw in that if they can both answer the same name, then you'll believe that they really do know their co-workers. Wonder what a deer looks like in a suit? You'll find out. I used this same question with Fraser Milner and I got a callback from them. Like I said, you never know.

Attitude Is Important

What I meant to say is that you should be prepared to be sincerely phony if necessary. That's NOT fake, and gives you NO right to use "the wink and the gun." You're just mimicking the same communication style and attitude that they're giving to you. I remember from my Organizational Behaviour class in undergrad (circa 1999) that in times of uncertainty, people hire people like themselves. If they're reserved, you're reserved. If they're outgoing, you're outgoing. If they're douchebags, you're grateful for the abuse.

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I ran the gamut of about four personality types throughout my two days of OCI's. During my interview with Aird & Berlis I found the two ladies to be very friendly and knew how to laugh. I gave them more reasons to do so and got a callback out of my performance.

If you are applying to work at a boutique firm, whatever their practice is, that's your passion. If you are interviewing with Gilbert's, you love biotech and pharmaceutical law. If you're interviewing at Lerner's or Lenczner Slaght, you are dead-set on a career in litigation. Use the relevant items on your resume to maximize your credibility. You can change your mind after articling.

The process can be grueling because you'll get frustrated answering the same damn questions all day long, and feeling com-

elled to ask something that shows you've been paying attention for the past twenty minutes. Even this can be beneficial when it turns to apathy. Apathy is a powerful tool because it suggests to someone that you don't need them, and everybody wants to be needed. Firms are no different. They can't believe that someone could conceive of working somewhere else and they'll bend over backwards to convince you – even if ultimately hiring you is what it takes. I remember my very last interview, eighteenth out of eighteen, with Miller Thomson. I was so fed up with two days of pulling back curtains, shaking hands, collecting business cards and other swag that I had enough and told my good friend that I'm walking into the final interview and literally "not giving a shit." So I went in and met with Elizabeth Hyde (of

Common Law Career Day fame), gave one-line answers and then because I was sick of talking all day I asked her "how did you get into this student coordinator work?" and she gave me the most honest answer I got in two days. She revealed that she used to do family law and got "sick of the whining clients" and she just wanted to spend more time with her family. Pretty candid, eh? Consider that answer when you ask the firms about work/life balance. I sensed that she was as fed up with two days of interviews herself, and because misery loves company, I got a callback from Miller Thomson as well.

Pep-Talk

Please have fun with this whole process – the crapshoot that it is. It's a riot if you let it be. Don't make predictions and don't commit yourself to a particular approach. You'll see

geniuses you thought were locks get shunned by the top firms and idiot savants get hired instead. Your interviewers will tolerate a certain amount of phoniness, but not too much. Don't be so eager – they'll think you have only four interviews and thus aren't desirable. It's a rite of passage for many law students in a professional form of rookie hazing. I hope you'll meet many different personalities, and I pray that some of them might even make a favourable impression on you. At the very least I hope the coming recruitment season gives you many amusing anecdotes so that someday you too can be an LLM student who writes columns instead of his thesis outline. Good luck to you all. By the way, what animal are you again? ■

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General Meeting
Wednesday, September 26, 2007
NCDH Room 201 at 12:30pm
It won't be a long meeting, I promise!

BARE CUPBOARD HARVEST SOUP

by Natalie Haras, Student Well-Being Committee Co-Chair (LAW III)

I often have to remind myself that well-being is a fine balance. I am leaving this Saturday to be an observer at the parliamentary elections in Ukraine. This is something that I have wanted to do for several years and I am really looking forward to the opportunity. On the other hand, I have a substantial to-do list to tackle before I board my flight and I've had a wee headache for the last 4 days. I feel very fortunate to be as engaged and involved in the work that I am doing- both school-related and extra-curricu-

lar- but sometimes a person just wants a warm meal. I came home this evening to realise that I had neglected my groceries for the week. Since I'm leaving in a few days, it doesn't make much sense to go shopping. My grandmother can make a delicious broth from a clove of garlic and a smile so I decided to take a tour of my sparse cupboards and create a soup in the spirit of the fall harvest. I like to cook. I find it creative and relaxing. Chopping vegetables can be very cathartic as can stirring soup

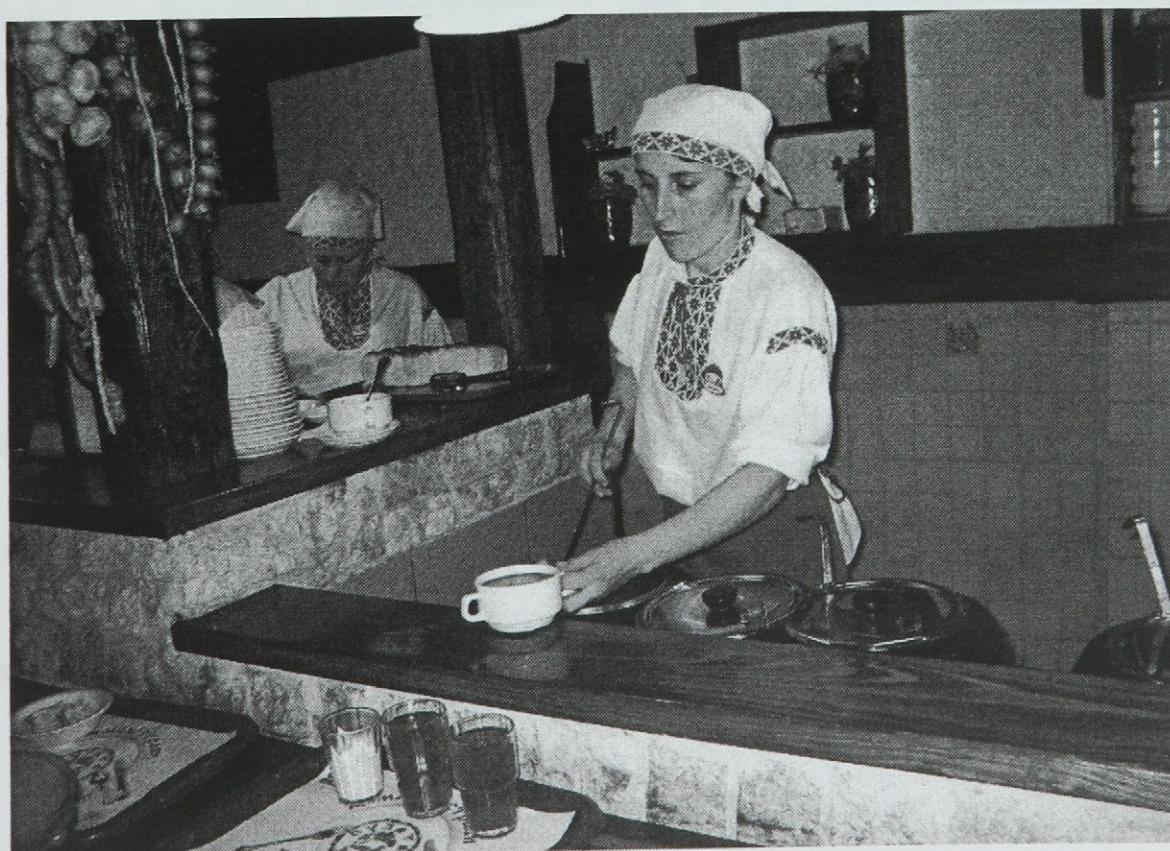
with some good music on. As we near Thanksgiving, I offer you this recipe as a reminder that as busy as we all are, we are fortunate to be able to eat well and enjoy small, daily pleasures.

Quantities are loose in this recipe. Vegetables and seasonings can be substituted.

1 can lentils (or 1 cup dry lentils that have been soaked in water)
 1 can pumpkin (not pumpkin pie filling), or
 2 cups cooked fresh pumpkin
 2 cups chicken broth, vegetable broth, or water
 1 onion, chopped into cubes
 A few stalks of celery, chopped fine
 Any other fresh or frozen vegetables you may have about-

chopped spinach adds an interesting texture
 4 cloves crushed garlic
 1 tablespoon chopped ginger root
 pinch of nutmeg
 pinch of salt and pepper

Combine vegetables (including garlic), lentils, pumpkin, and broth in a large pot and cook for 30-40 minutes at medium heat. Stir often. Add seasoning and simmer another five minutes. The lentils and pumpkin give the soup a pleasant orange colour. This is a hearty soup that works well as a main course with whole grain bread. A sprig of basil or some crumbled feta would make a nice garnish. Leftovers freeze well. Enjoy! ■



FROM THE END OF THE BAR: RANTS AND OBSERVATIONS FROM THE MAJOR

by Steve Dubreuil (LAW III)

I have received mostly positive feedback on my last series of observations. I thought that now with the Sunshine article unfortunately interrupted (Alison's articles were awesome!) I would continue my appeal to fellow students for a return to what used to be known as common courtesy. I will also appeal to the powers that be to look into a few issues that are beyond our control.

Almost every school day I trudge up Peel or other parallel streets on my way to the faculty. I carry with me the tools of the student trade. They include course packs, laptop, more course packs and a notebook. I enjoy the fresh air and the sites and sounds of the city. I see the journey as a sort of metaphor, a coming to the mountain for knowledge...that or a constant reminder

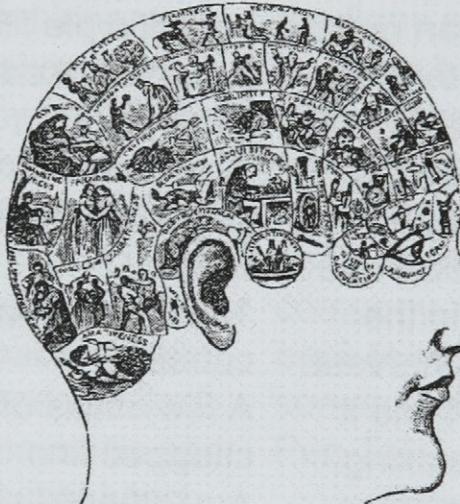
that twenty years jumping on and off tanks has done more damage to my back and knees than I care to admit.

Anyways.....on other days (usually the day after too many pints- this article really is written mostly at a pub), I opt to take the 107 bus up the hill. It is amazing to me to see the lack of common courtesy on the bus. I usually end up standing which is OK, but I always either place my backpack on the ground or, on slushy days, I hold it down low in order to avoid pummeling others. I have noticed that I am in the minority, de-

spite signs posted by the CTCUM and even the odd dirty look, some of my fellow students keep their backpacks on their back or on a shoulder and they seem oblivious to the fact that they are very much in the way. Same goes for coffee house. I know there would be less backpack

related injuries if we had a decent size locker to stow away our gear but please be careful, our giant backpacks take up more room than we realize.

I was happy to see the return of Pino's this week. It has been one of my guilty pleasures and it is reassuring to have a supply of coffee



so close at hand. I watched with interest the contractors busily wiring, plastering and going about the work of transforming that area into a new lounge. But something bothered me. If all this could be done in such short order why are chairs in 101 and 102 still broken? I admit I like that they are broken because sitting beside one of them affords me the opportunity to take up a whole lot of space without encroaching on a colleague's space. My point is if an entire lounge can be renovated, why not fix two chairs....should we have a referendum like the one last year to fund the CDO? A "fix the chairs fee" of 50 cents a semester?

Till next time, and now for another pint....■

THE THUNDER-STORM ARTICLE

by Ilan Gabizon (Law III)

Let anxiety rain from the sky, to shake our minds out of complacency. This is the thunder-storm article.

I would like to give my two cents about something that really irritates me: Charles Darwin's preposterous idea of evolution, and the even more preposterous additions bestowed upon us by his nincompoop successors, none more famous than Richard Dawkins.

Dawkins has recently published a book called *The God Delusion*, wherein he argues that theists are deluded, while those (atheists) who espouse natural selection are enlightened. And what is his

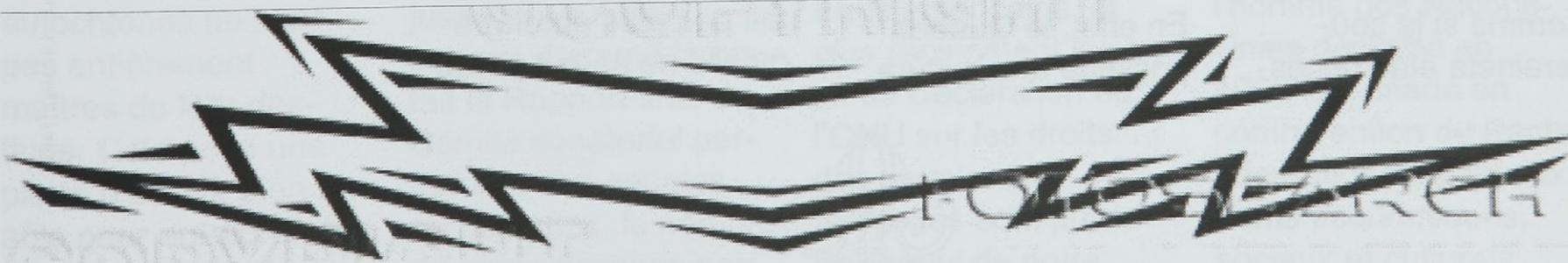
argument? That everything, somehow, bounced into place through random mutations. That the universal constants of the universe (that which allows the existence of life on this planet), that all animals, plants, humans – everything – came into existence through the hand of *blind chance*. Yes! That is what he is saying! (I know, it's ludicrous.) And do you want to know what brings people like him to say such things? I'll formulate it into a simply idea for you: *The worship of man* – ultimately, the worship of oneself.

But let us leave this aside for a moment to consider his argument. If you read his book,

you will see that it is not so much an argument as it is a mere statement – an a priori conceptual framework imposed on the world of natural phenomena. Thus Dawkins will reason, "Because we evolved from apes [or was it chimpanzees, or...wait...hippopotamuses!], things happened this way...". He does this the very same way theists argue, "God exists, thus...". In other words, a humongous leap of faith plagues Darwinian natural selection. And I use the verb "plagues" because Darwinians, most of whom are avowed atheists (except the moderately religious, those Tartuffes who come with their "enlightened" condescension), claim that they are presenting us with something objective! (They call it 'science'.) There's the farce, ladies and gentlemen. Natural selection is a feeble attempt

(how did it convince so many??) at ridding our worldview of God. I would simply ask you to set aside this monstrously improbable mish-mash nonsense for a moment, and consider the possibility of an intelligent designer. (If you do, however, note that it comes with a bunch of absolute morals...oh, but I shall say no more here, for fear that a pack of angry liberals may hunt me down with machetes and Ak-47s.)

And Darwinists are so eager to get God out of the picture because they don't want to submit to Him. Instead, humans are capable of knowing everything; we are great enough to be in charge. God is not great, but rather MAN is. WE ARE GOD. It is no coincidence that men like Dawkins and (Christopher) Hitchens are profoundly arrogant... ■



SE SÉPARER POUR MIEUX S'UNIR

by l'Action Indépendantiste

L'action indépendantiste est un groupe d'étudiants qui partagent la conviction que le Québec devrait être un état souverain. Dans cet article, nous voulons défaire cet argument, trop souvent soutenu de la bouche des opposants à la souveraineté, argument selon lequel l'indépendance du Québec ne s'inscrit pas dans le contexte actuel de mondialisation et d'interdépendance entre les états.

Ainsi, aux dires de ces gens, la tendance mondiale nous appelant à une coopération croissante entre les états et à l'harmonisation de politiques de différents niveaux en matière notamment d'économie, de sécurité et de travail, il serait incohérent que le Québec se sépare du Canada.

Comme si la souveraineté était néces-

sairement porteuse d'une volonté collective de se replier sur soi, de tourner le dos à ses voisins et partenaires, de régresser.

Nous sommes évidemment en désaccord avec cette idée. Notre volonté n'est pas de se séparer pour créer un Québec autarcique et nombriliste. Loin de là, nous sommes convaincus que la souveraineté serait un moyen pour le Québec de participer directement au concert des nations et d'être reconnu dans le monde pour ce qu'il est : une nation à la culture et à l'histoire distinctives, fière, accueillante, désireuse de coopérer avec les autres pays du monde. Le Québec a intérêt à se séparer et ainsi rapatrier tous les pouvoirs qu'Ottawa exerce en son nom.

En effet, le Québec possède une culture

politique qui diffère en plusieurs points de celle du reste du Canada : relations internationales, environnement, justice sociale, travail. Aussi, nos positions sur de nombreuses questions d'ordre moral se distinguent des positions défendues dans les autres provinces canadiennes : avortement, peine de mort, légalisation de certaines drogues, etc.

Comme ces questions sont gérées par le gouvernement fédéral et que celui-ci doit tenir un discours qui unit et représente la majorité des provinces, nous ne pouvons actuellement être en mesure de mettre en œuvre des politiques qui reflètent véritablement ce en quoi nous croyons au Québec. Le Canada s'efforce de gérer du mieux qu'il peut ces sujets qui le divisent, créant de l'insatisfaction tantôt ici, tantôt dans le reste du Canada. Et à l'heure où ces débats ont lieu, notre voix unique ne se fait pas plus entendre qu'elle ne se fait porter

par celle sa fédération.

Un Québec souverain participerait au libre-échange en Amérique. Un Québec souverain serait membre à part entière de l'OTAN et de l'ONU. Le Québec et les Québécois ont beaucoup à gagner en entrant directement en contact avec le monde, plutôt que de se cloisonner au sein d'un pays ou il ne constitue qu'une province parmi dix autres.

Le Québec souverain pourra constituer un modèle sur plusieurs dossiers à l'échelle nord-américaine. Nous devons offrir au monde cet état prometteur. À l'instar de pays comme le Danemark, la Suède et les Pays-Bas, le Québec a tout ce qu'il faut pour exercer pleinement et fièrement sa souveraineté sur la scène internationale.

L'Action Indépendantiste
info@souverainete-mcgill.org



LES AUTOCHTONES ET L'EXPLOITATION DES RESSOURCES NATURELLES : L'ENJEU DU CONTRÔLE

by Christopher Campbell-Duruflé (LAW III)

ous la direction de Me Peter W. Hutchins, Hutchins, Caron & Associés. Conclusion d'un article présenté lundi le 17 septembre au Forum Autochtone sur la gestion des ressources naturelles et du territoire organisé par Insight Information. (Notes de bas de page omises.)

Conclusion : devenir maître chez soi

À la fois à cause d'un passé destructeur des institutions et des identités et à cause d'un système moderne de traités qui ne réussit qu'imparfaitement à permettre aux sociétés autochtones de former des institutions représentant leurs intérêts et leurs visions collectives, les peuples autochtones ne sont pas entièrement maîtres de leur destinée. Cela pose une pierre d'assise bien friable pour entreprendre un développement à base de l'exploitation des ressources na-

turelles.

a. La balle est dans le camp du gouvernement

Le gouvernement du Canada a l'obligation de reconnaître l'effort des collectivités autochtones de consolidation de leurs identités et gouvernements. Ces éléments sont des conditions à l'accord des premières nations au développement du territoire sur lequel elles ont des droits et au respect par le gouvernement de ses obligations constitutionnelles. L'époque où l'on défrichait de force un territoire hostile et étranger est dépassée. Les politiques gouvernementales en matière de revendications territoriales et de négociations sont jusqu'ici un échec cuisant. Comme le notait le Rapport final du Comité sénatorial permanent des peuples autochtones, le nombre de revendications non réglées est trop grand pour que l'on ne puisse

pas craindre que la frustration de part et d'autre ne dégénère en violence, comme ce fut le cas à Oka, Ipperwash, ou Caledonia. L'heure est venue de commencer à prêcher par l'exemple.

De nombreux instruments juridiques internationaux devant protéger les droits des peuples autochtones n'ont toujours pas été ratifiés ou approuvés par le Canada, malgré les fortes pressions provenant de plusieurs secteurs de la société. Ainsi, la Convention relative aux peuples indigènes et tribaux (n° 169) de l'Organisation Internationale du Travail (1989), le projet de Déclaration américaine sur les droits des peuples autochtones de l'Organisation des États américains, et plus récemment le projet de Déclaration de l'ONU sur les droits des peuples autochtones sont privés de l'appui de notre gouvernement.

L'objectif du développement économique semble freiner ces règlements politiques, alors que nous les considérons comme des pré-requis. Cette situation est d'autant plus anachronique que nombre de juridictions à travers le monde respectent ces normes et que le droit international est de plus en plus importé par les cours canadiennes dans divers domaines.

Finalement, un cas d'exploitation pétrolière et forestière en Alberta amené devant les instances internationales en 1984 donne une piètre image à notre pays quant aux instruments de droit international auxquels il a adhéré. En effet, le Comité des droits de l'homme des Nations-Unies déclarait en 1990 le Canada en contravention du Pacte international relatif aux droits économiques, sociaux et culturels. Toujours insatisfait des agissements de notre

gouvernement, la Première Nation de Lake Lubicon porta plainte devant le Comité des droits économiques, sociaux et culturels des Nations-Unies, qui conclut en 2006 en une violation par le Canada du Pacte international relatif aux droits civils et politiques. Malgré les nombreux engagements du gouvernement canadien, la première nation, sans traité, ni réserve, ni succès dans ses négociations avec les deux Couronnes, s'est vue imposer l'exploitation de ses terres ancestrales sans son consentement. Ce cas précis nous fait honte et montre bien comment un développement des ressources naturelles mal géré peut mener à des résultats inadmissibles.

b. Il ne faut pas attendre qu'elle revienne

Les délais et une certaine résistance auxquels les représentants autochtones ont souvent à faire face dans leurs négociations avec le gouvernement les ont décidés à donner un sens concret et émanant d'eux-mêmes à la notion de souveraineté. De nouveaux outils de

gouvernance tels des constitutions internes voient aujourd'hui le jour, et c'est sur ces bases qu'ils entendent négocier avec d'autres acteurs privés ou publics. Ces outils démontrent un intérêt et une capacité réels de gestion des ressources naturelles et faciliteront certainement leur développement.

Du côté des tribunaux, les gouvernements autochtones continueront à faire progresser la Constitution dans une direction qui sera plus juste et respectueuse pour eux. Armés de vision et d'audace, ils comptent créer de nouveaux espaces pour formuler leurs ambitions. Comme le notait l'ancien juge australien M. H. McHugh, on ne peut pas toujours se satisfaire d'un système politique dans une conjoncture donnée.

Lorsque ses mécanismes internes ne lui suffisent plus pour s'adapter à la réalité, le juriste doit oser jouer le rôle de l'agitateur et le faire progresser vers un plus grand respect des droits de l'Homme. "The agitator is the perceptive listener who is not only aware of, and attuned to, the subtlest of accepted practices, but also registers the

dissonance between those practices and what is fair, just and good. The agitator notes when the ensemble, while in tune with itself, is playing the wrong key."

c. Trouver la voie du milieu

Les premières nations veulent profiter des ressources naturelles et faire grandir leurs sociétés. Leur défi est de créer un contexte de développement endogène et durable sans compromettre ni l'environnement, ni leur souveraineté, ni leur intégrité culturelle. Bien qu'ambitieuse, cette dualité est possible à soutenir une fois le bon moment arrivé, comme l'indique le président du Aboriginal Pipeline Group. Alors que ce gigantesque projet avait été annulé suite à la recommandation de la Mackenzie Valley Pipeline Inquiry en 1977, des revendications territoriales ont été réglées depuis et un consortium mixte est maintenant sur pied pour entreprendre l'exploitation.

Il y a plus de trente ans déjà, le gouvernement du Québec prenait contrôle de son développement économique et

culturel en prenant un virage ambitieux. Sa démarche était novatrice et courageuse, mais aucun autre ordre de pouvoir ne l'empêcha de réaliser ses projets. Aujourd'hui, plusieurs sociétés autochtones sont prêtes à réaliser les leurs. Il nous faut les écouter et garder en tête les mots de la Commission Berger (*The Report of the Mackenzie Valley Pipeline Inquiry, 1977*) *It may be uncomfortable to have to listen, when we have never listened in the past. But we must listen now. If we do not understand what is in the minds of the native people, what their attitudes really are toward industrial development, we shall have no way of knowing what impact a pipeline and an energy corridor will have on the people of the North. We all have different ideas of progress and our own definitions of the national interest.* ■

CAP

The Court Accompaniment Program (CAP) is an initiative of the Human Rights Working Group. Student volunteers accompany and support people from underprivileged communities to court and administrative board hearings in Montreal. Read on to learn more about what it is like to volunteer with CAP.

Lissa France Green-spoon (Law II) – L'année passée j'ai eu l'occasion d'accompagner une dame russe à la Régie du logement pour présenter son cas devant un juge de la Régie. La dame, Alla, parlait très peu d'anglais et de français, alors elle ne pouvait pas aller devant un juge francophone sans une interprète pour l'aider à communiquer son problème. Alla avait des conflits avec son propriétaire depuis longtemps, mais sa manque de connaissance de la langue française faisait en sorte qu'elle ne pouvait jamais le poursuivre devant la Régie. Le propriétaire, un polonais qui parlait russe, savait qu'Alla ne connaissait pas ses droits

comme locataire et que son faible niveau de français l'empêcherait de les découvrir, alors il ignorait ses plaintes et ne faisait aucun travail dans son logement malgré le fait qu'une partie substantielle de son plafond était tombé dans son salon à cause du toit pourri de l'immeuble.

Après avoir contacté l'organisation locale Projet Genesis, Alla a reçu de l'aide à ouvrir un dossier à la Régie. J'ai eu le numéro de téléphone d'Alla et je l'ai appelé pour discuter de son cas. Elle était très heureuse d'avoir le soutien de quelqu'un qui parlait sa langue et qui comprenait comment la Régie fonctionnait. Le jour où elle devait se présenter à la Régie, je l'ai rencontré et on est allé devant le juge avec le propriétaire. Le fait qu'Alla avait amené quelqu'un qui comprenait le russe et le français faisait en sorte que le propriétaire ne pouvait plus décevoir Alla, ni le juge. Le problème a été réglé assez vite et le juge a obligé le propriétaire de réparer le plafond d'Alla dans le plus bref

délai. En plus, Alla n'était pas obligé de payer son loyer pour le prochain mois vu qu'elle a vécu plus qu'un mois avec un gros trou dans son plafond.

L'expérience était aussi bénéfice pour moi que pour Alla. J'ai rencontré une super personne qui avait des histoires extraordinaires à me raconter et j'ai eu l'occasion de pratiquer mon russe. Je reste en contact avec Alla et on se rencontre environ une fois par mois ou deux mois pour prendre un café et jaser.

Meagan Johnston (Law II) – Last year, I had the opportunity of doing accompaniments on two occasions. I accompanied a woman to a labour hearing, where we met with a representative from the Commission des normes du travail to discuss various unsettled issues from my client's last job. As someone with an interest in administrative law, it was fascinating to witness the very informal way in which these hearings can progress. The Normes du travail representative was incredibly sympathetic and understanding, and it was surprising to see a

case progress through conversation as opposed to the more traditionally adversarial field of the courtroom.

I also accompanied another client in a visit to her lawyer to discuss her immigration situation. During the meeting, I was shocked to hear the lawyer lecturing my client for—of all things—becoming pregnant. As we debriefed after the meeting, I realized that while our education at McGill teaches us much about "the law," it is remarkably silent on critical skills such as active and empathetic listening or respect for our clients. It is easy to go to law school and spend three years in the library. Yet I urge every student to take the time to volunteer with one of the countless groups in the Faculty like CAP doing community outreach to educate themselves in the field.

Dorian Needham (Law II) – She was a single immigrant mother with poor English and French. Her landlord, after turning off her heat and refusing to exterminate cockroaches, decided to raise her rent. She refused, and a rent fixation hearing was set.

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This was where CAP and I came in.

Quand je l'ai rencontrée pour l'aider à se préparer, son ex-mari la voyait avec moi (un jeune étranger) et il décidait qu'il y avait quelque chose qui clochait. Il lui criait et me menaçait—et plus tard j'apprenais qu'il l'avait suivie, effrayée, et malmenée.

I told her about restraining orders, and went with her to the police station to help her apply for one. Later, I went to her restraining order hearings and helped her through meetings with public prosecutors and social workers. Eventually, she got her restraining order—and she won her rent-fixation hearing, too.

J'avais le privilège d'aider quelqu'une d'autre à naviguer un système judiciaire qui lui semblait accablant. Au même temps, elle m'a appris que la loi est beaucoup plus que des mots sur une page: il implique des gens ordinaires avec des vrais problèmes. Comme étudiants, nous ne pouvons pas résoudre nous-mêmes tous ces problèmes—mais les

reason. Competitive moots are an opportunity for McGill students to showcase the virtues of a trans-systemic/"out-of-the-box" and bilingual legal education. Mooting is also a one-shot deal, since the Faculty's prohibits mooters from trying out for another team the next year.

Furthermore, unlike in real-life litigation, mooters have nothing to lose by being ambitious or creative in their approach to addressing the issues in the case. Real litigation lawyers are also officers of the court and must put the ends of justice ahead of winning. Moot teams do not have clients, are not limited by billable hours, or are accountable to real court. Mooting does not raise the same ethical dilemmas that lawyers otherwise face in real life. The only real ethical responsibility

programmes comme le PAC peuvent nous permettre d'en jouer notre rôle.

Questions about CAP? Interested in volunteering this year? Email Malcolm Dort, CAP Coordinator, at pacemtl@gmail.com by Wednesday, September 26■

placed upon mooters is accurate citation. Mooters should embrace this freedom to test radical arguments, to spin cases, and to push the envelope of legal reasoning.

Finally, being a successful mooter requires patience and compromise. Spending what can seem like endless hours in an 8' x 8' (sometimes windowless) room in the library can put a strain on personal relationships. Although mooters sometimes grumble at the composition of their teams, they should remember that this experience provides an opportunity to get to know different classmates, and if in the end the experience goes poorly, no friendships will be lost.

Good luck to this year's mooters■

LIFE LESSONS FROM MOOTING

by Joshua Krane (LAW IV)

The competitive mooting season is set to begin. Last year, dozens of 1st, 2nd, and 3rd year students tried out for only a handful of coveted mooting spots. The teams were announced over the summer and will begin tackling their fact patterns shortly. Soon, mooters will scurry away in the library gathering research material, strategizing, and meeting with their coaches and team mates.

I learned many lessons from my experience as a mooter last year. For one thing, the moot course is an excellent opportunity to develop a set of skills not taught in

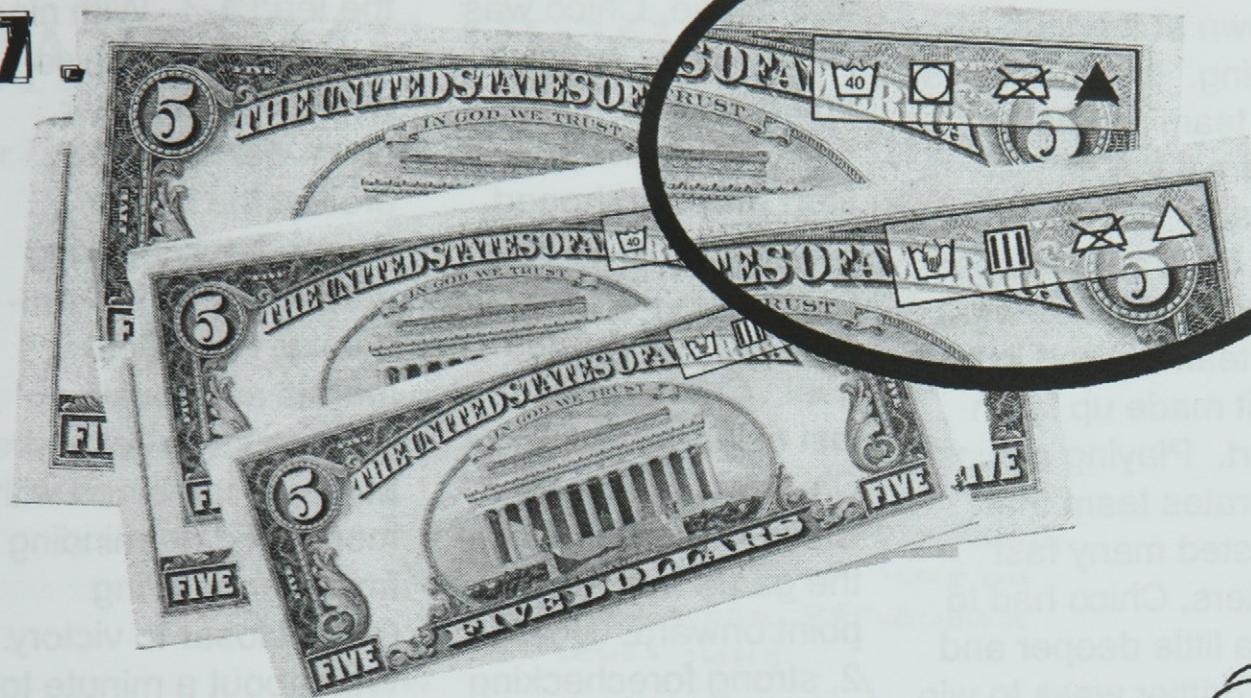
other courses. Mooters are expected to compose at least one factum and present oral arguments before a tribunal. As such, mooters must practice and refine both technical skills (in factum composition and presentation of the arguments) as well as inter-personal skills. The time spent with the coaches can provide invaluable experience that can otherwise be unavailable at Law School and even in a summer internship (or articling).

Competitive moots are just that – they are competitive. Mooters should be in it to win, because students from other faculties compete for that

LAVEZ VOTRE AMOUR À LA MACHINE

par Laurence Bich-Carrière (LAW IV)

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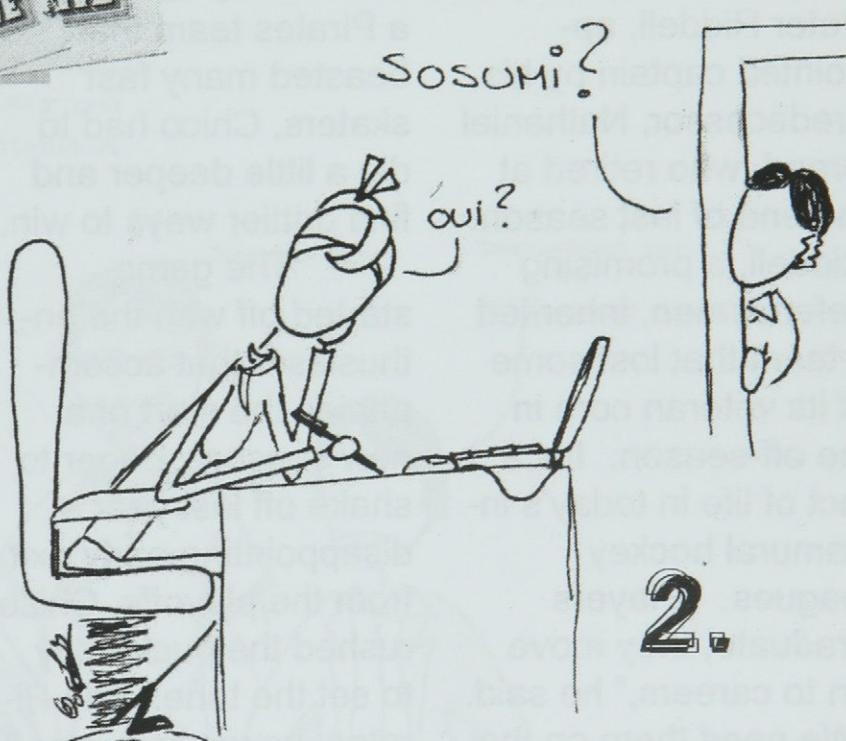
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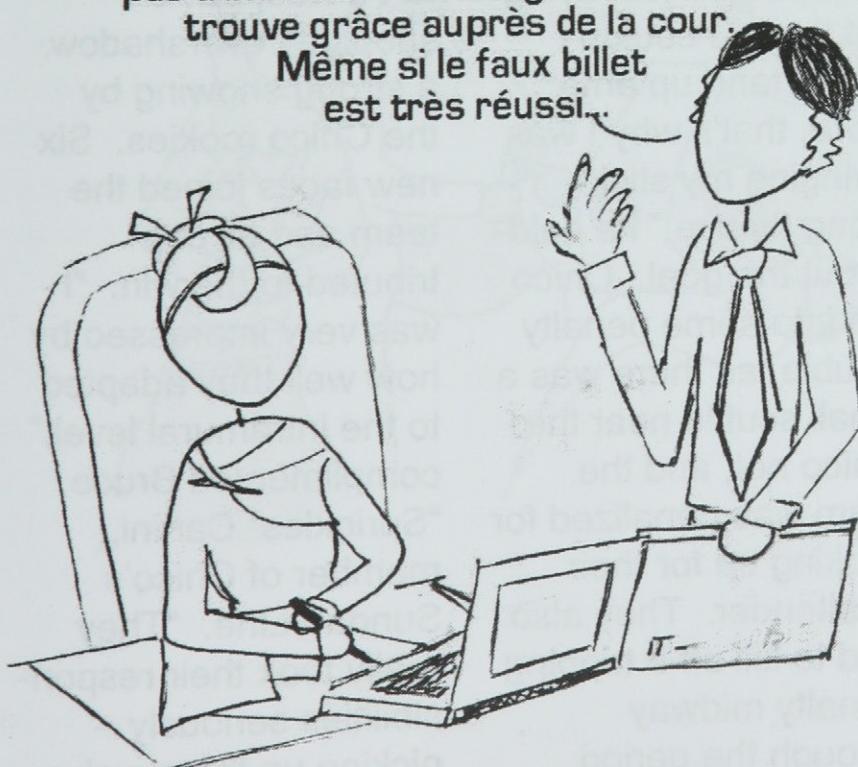
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ROOKIES SHINE IN CHICO OPENER

by Ryan Kirshenblatt (GRAD LAW II)

McCONNELL ARENA (AP) – Who knew that the torch passed during the off-season would burn so hot at the start of the new one?

It was the dawn of a new era in Chico Resch hockey lore. The legendary franchise officially fell under the leadership of Peter Riddell, appointed captain by his predecessor, Nathaniel Brand, who retired at the end of last season. Riddell, a promising defenseman, inherited a team that lost some of its veteran core in the off-season. It's a fact of life in today's intramural hockey leagues. "Players graduate, they move on to careers," he said. "We need them on the ice, but people need to make a living, and intramural hockey just isn't that lucrative."

Riddell's first test as captain came against the Sigma Chi Pirates. The lawyers beat the undergrads in a display of Latin maxims over Greek letters, winning 5-3 on the strength of a pair of

goals each from Jani Holmberg and Kyle, whose surname is unknown at the time of writing. In some ways the team picked up where it left off last season, able to ice only two lines and defense pairs. However, what the team lacked in bodies it made up for in heart. Playing against a Pirates team that boasted many fast skaters, Chico had to dig a little deeper and find grittier ways to win.

The game started off with the enthusiasm that accompanies the start of a new season. Eager to shake off last year's disappointing early exit from the playoffs, Chico rushed the puck early to set the tone. The Pirates, however, jumped out to a 1-0 lead and Chico was forced to regroup. Rookie goaltender Ryan "Goon" Ban made key saves early on to keep Chico within reach, and the team rallied back to take a 2-1 late in the first half. A defensive breakdown had the teams tied at 2 at the intermission. Survey-

ing the results of the first half was player-coach Ryan Kirshenblatt, whose equipment won't be in Montreal until October, and thus decided to stand behind the bench to start the season. Stressing a stronger commitment to defense, Chico was prepared for the second half.

It wasn't the start they had hoped for though, as a lost faceoff to open the half resulted in a Pirates goal. But that was the last celebration Sigma Chi would enjoy, as Chico took control of the game from that point onward. Down 3-2, strong forechecking by newcomer Nick Knoppers-Turp in the Pirates zone led to the equalizer, as his sprawling effort near the crease set up the goal. "I was just dying out there, I couldn't even stand up anymore, that's why I was swinging my stick along the ice," he said about the goal. Chico got into some penalty trouble, as there was a small scuffle near the Chico net, and the team was penalized for sticking up for their goaltender. They also had to kill off a tripping penalty midway through the period.

Surname-less rookie Kyle had been

skating well all night, generating solid rushes with great passing and creating scoring chances for him and others. Streaking down the right wing with one goal already, he fired a low shot for his second to regain the lead 4-3. With nine minutes to go, Chico would have to bear down defensively to protect the lead. Strong backchecking from Riddell, Rob Amdursky, Fred Desmarais and rookie defenseman Alexandre Mireault combined with more solid netminding from Ban to bring Chico closer to victory. With about a minute to go, hard work down low resulted in another Chico goal to provide some breathing room at 5-3.

A solid team effort it was, but it shouldn't overshadow a strong showing by the Chico rookies. Six new faces joined the team and all contributed to the win. "I was very impressed by how well they adapted to the intramural level," complimented Bruce "Sprinkles" Carlini, member of Chico's Sundae Line. "They really took their responsibilities seriously – picking up the guys' sticks in the locker room, carrying my

equipment to the car, and getting me a beer after the game." "I can't thank them enough," chimed in Holmberg. Riddell wasted no time giving credit where it was due. "I'd like to thank the Admissions Com-

mittee for admitting these new guys. We knew Chico would face a rebuilding year and it was our commitment to build through the draft." Coach Kirshenblatt was happy that "the school is doing the right thing by admitting

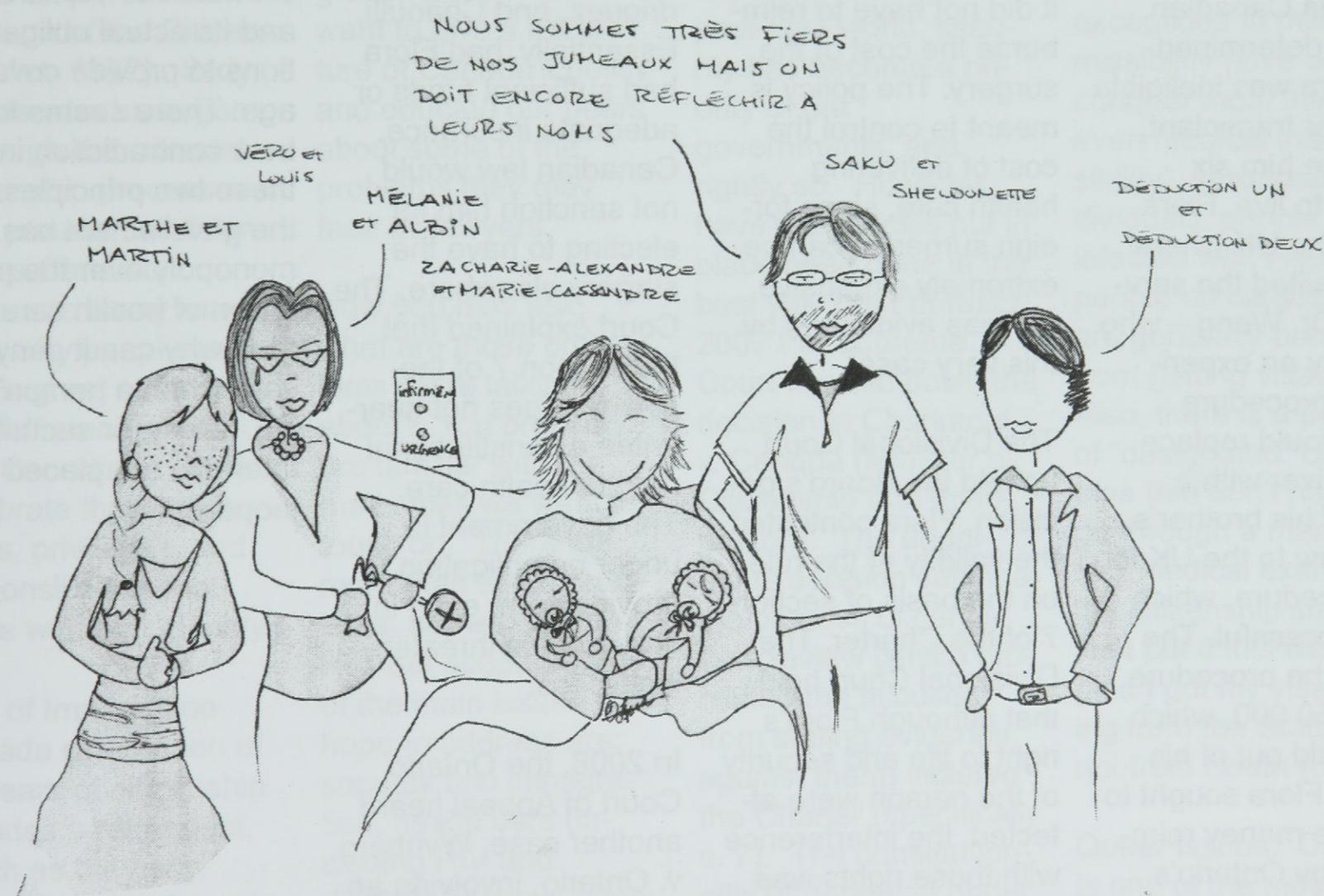
not just human rights activists, but also ones that can make plays and shoot the puck hard."

The vibe in the locker room was very upbeat, giving the veterans a sense that there will be a lot of

team drinking after the games this season. Wait, drinking? "We prefer to call it mentoring," said the captain. Brand would be proud ■

BAPTÈME FISCAL

par Laurence Bich-Carrière (LAW IV)



RIGHT TO LIFE UNDER SECTION 7?

by Joshua Krane (LAW IV)

The Ontario Court of Appeal is set to hear what will no doubt be another controversial health care case this winter. In June, the Divisional Court heard a case involving a liver cancer patient – Adolfo Flora. Flora desperately required a liver transplant. His Canadian doctors determined that Flora was ineligible for a liver transplant, and gave him six months to live. Flora flew to the UK where he consulted the services of Dr. Wong – who would try an experimental procedure which would replace Flora's liver with a piece of his brother's. Flora flew to the UK for the procedure, which was successful. The cost of the procedure was \$450 000, which Flora paid out of his pocket. Flora sought to have the money reimbursed by Ontario's publicly funded Health Insurance Plan.

OHIP denied Flora's request. OHIP will pay for procedures undertaken

internationally if those procedures are otherwise insured. The agency determined that since the transplant procedure was experimental (not a "generally accepted procedure"), and was not otherwise available to persons like Flora who are close to death, it did not have to reimburse the cost of the surgery. The policy is meant to control the cost of delivering health care, since foreign surgeries can be extremely expensive (as was evidenced by this very case).

The Divisional Court upheld the Board's decision. Flora contested the validity of the rule on the basis of section 7 of the Charter. The Divisional Court held that although Flora's right to life and security of the person were affected, the interference with those rights was not due to government action. His section 7 claim, therefore, failed.

The Divisional Court reviewed the leading

Supreme Court of Canada and Ontario Court of Appeal cases on the application of section 7 in medical situations. The Court determined that the impugned rule was not "prohibitive", which meant that the Court could distinguish cases like Morgentaler, Rodriguez, and Chaoulli. Essentially, had Flora had sufficient funds or adequate insurance, Canadian law would not sanction him for electing to have the surgery elsewhere. The Court explained that the section 7 of the Charter does not guarantee a constitutional right to health care. The government is under no obligation to provide care, even in cases of life threatening illness.

In 2006, the Ontario Court of Appeal heard another case, *Wynberg v. Ontario*, involving an application by parents of children with autism. The parents claimed that the government's election promise to fund autism services

constituted a binding obligation to provide funding for treatment, warranting section 7 Charter protection. As in Flora, the Court of Appeal rejected the applicant's claim that section 7 imposes any constitutional rights to medical treatment.

The problem that these two cases raise, in light of the Supreme Court of Canada's recent decision in *Chaoulli* is the interface between the government's "virtual monopoly" over the provision of health care and its actual obligations to provide coverage. There seems to be a contradiction in these two principles: if the government has a monopoly over the provision of health care, then why can it deny care when a person's life, liberty, or security interests are placed in jeopardy? ■

CITIZENSHIP: A COUNTER-POINT PANEL DISCUSSION

by Eric Boschetti (OutLaw) (LAW III)

You may have noticed (or more likely you passed by in a hurry and took no notice) that a Canadian Citizenship Ceremony occurred at the Faculty on Tuesday September 18th. The ceremony was to commemorate the 60th anniversary of Canadian citizenship (read: the passage of the Citizenship Act, 1947). Sixty people who have gone thorough the complete citizenship process can now proudly call themselves Canadian.

There are many reasons why people come to this great country (myself among them), and Canadians should celebrate the opportunities, privileges, and responsibilities that come with that identity.

Part of Immigration Canada celebration of 60 years of citizenship includes a retrospect, which as they say, shows how far Canada has come and how far it has to go. (visit: <http://www.cic.gc.ca/english/about/citizenship/60/retro.asp#2000>) It is important to rec-

ognize the opportunities Canada affords others by opening its doors, but it is also important to remember that those doors aren't open without problems. A few groups at the law school are organizing a panel around some of the problems that still exist in Canada's immigration policy. We want to give a full picture of Canada's policy and educate our peers about some of the problems they may face as lawyers.

Now you may ask, what are those problems we're talking about? You probably are familiar with the main ones we want to touch on. There are more than these problems, but we have to limit our scope. Some of the main issues we hope to address are: security and immigration, health bars (including HIV and disability), queer issues and asylum, and hopefully, the live-in caregiver program. There's no clean way to slice this pie, but we want to open the discussion

and look at how far we really have to go (or not). To give some background here is a brief (definitely not conclusive) discussion of the problems.

Security and Immigration: Security certificates. Is there much more to say? Well, hopefully there is. In a post-9/11 world, security has become a priority of our governments, and rightly so. However, have the policies put in place been done in the best way? In February 2007 the Supreme Court handed down the decision in *Charkaoui v. Canada (Minister of Citizenship and Immigration)*. The unanimous decision said that the process of certificate review (which prohibited the accused from seeing evidence against them) violated the Charter (specifically s. 7). The constitutionality of detention under these certificates are still being challenged in the courts though upheld so far in Federal Court.

Health Bars: A person can be denied not only citizenship but also any visa because of health reasons. Technically, I could be barred from reentering Canada to complete my studies because of my status as an HIV positive person. Medical inadmissibility is based on "health reasons, if their condition is likely to endanger public health or public safety, or might reasonably be expected to cause excessive demands on health or social services." While there are exceptions to this inadmissibility (love does conquer most things, even medical inadmissibility), seropositive individuals, people infected with Hep C, people on dialysis, etc are generally barred from getting visas etc. Also, there is a policy of "designated" countries that don't have to go through a mandatory medical exam until the citizenship stage. Just put it this way, I'm glad I got my visa coming from the States and not from South Korea.

Queer Issues: Canada is one of the most open and progressive countries in the world when it comes to LGBT issues. They are one of the few that accept asylum claims based on

QUID Novi

fear of persecution for being LGBT. Perhaps you know about Alvaro Orozco, perhaps you don't. He was denied his assylum claim because he couldn't prove he was gay. While there are legitimate concerns about fraudulent claims, what is the burden and how can it be met (receipts from a gay bar? A lover's attestation? Or as would have perhaps worked in Alvaro's case—enough document homosexual sex—apparently in

some minds homosexuality and promiscuity still go hand in hand).

Live-in Caregiver Program (LCP): The LCP has come under criticism since it was first developed in 1992. In January 2003, the committee on the UN Convention on the Elimination of Discrimination Against Women has identified the LCP as a place that the Canadian government needed to take urgent action. The program requires participants to

live in the home of their employer, which leaves them (typically women, over 90% of which come from the Phillipines) vulnerable to abuse. They must work twenty-four months out of three years or they can lose their possibility of permanent status. Women have been reported to seek unwanted abortions or to work despite illness so as not to have pregnancy or illness interfere with their work record and prevent

them from completing the 24 months.

Hopefully this outlines some of the issues we hope to bring up. We hope you'll have more concerns that we'll all be able to talk about at the panel discussion. Come out and join us in mid-October. Look for us...we'll be looking for you. ■

Lawmerick III

by Francie Gow, Law IV

Looking over the new first year crop
A sad thought made the poor fourth year stop
Between grads and exchanges
How demography changes
It's lonely up here at the top



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Vous êtes passionné par votre métier.
Dynamique, proactif et autonome, vous appréciez le travail en équipe.
Vous êtes bilingue (français, anglais), et prêt à travailler à l'international.
Vous aimez Paris.

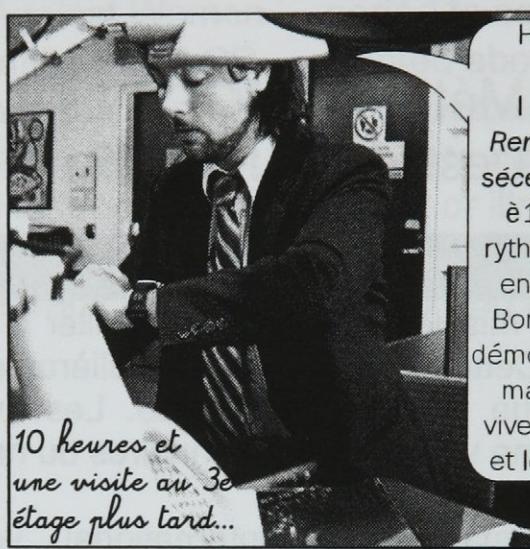
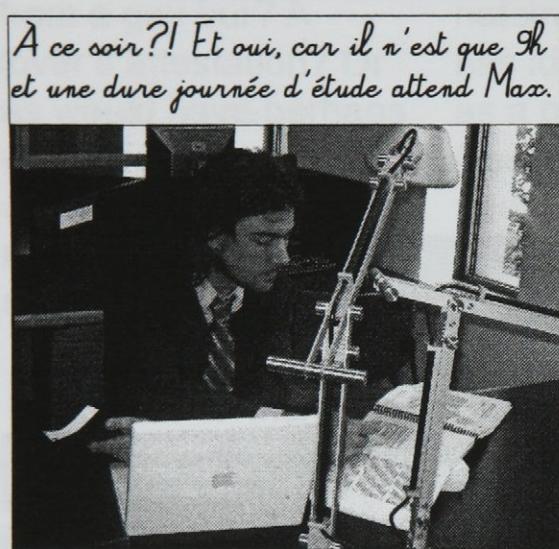
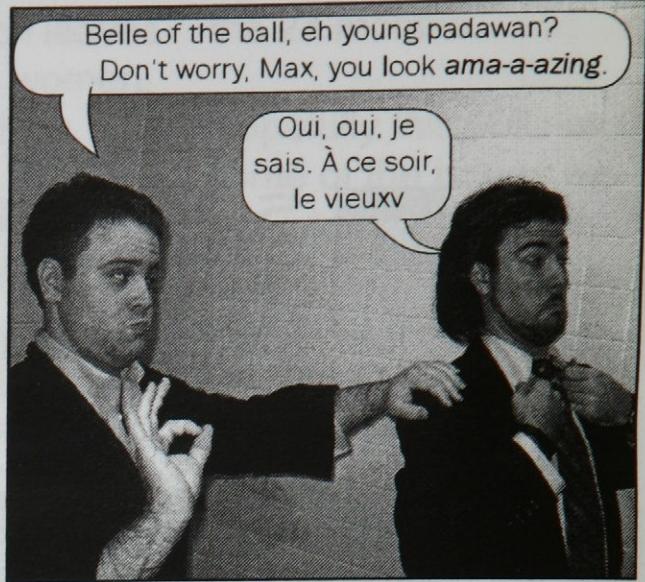
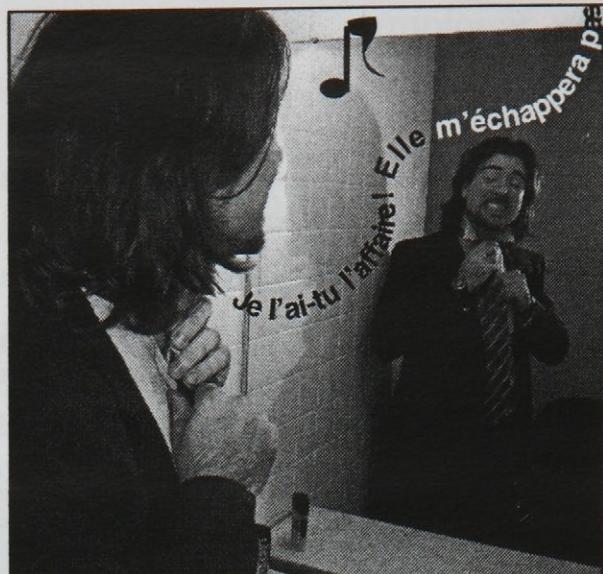
Nous recherchons celles et ceux qui participeront au développement de nos activités (dérivés actions et indices, marchés de capitaux, etc.). Qui veulent réaliser le meilleur d'eux-mêmes. Qui veulent choisir leur propre destination. Qui veulent se bâtir une carrière à leur mesure.

Nous recherchons de gens comme VOUS.

RENDEZ-VOUS

Lundi le 1 octobre @ 17h30

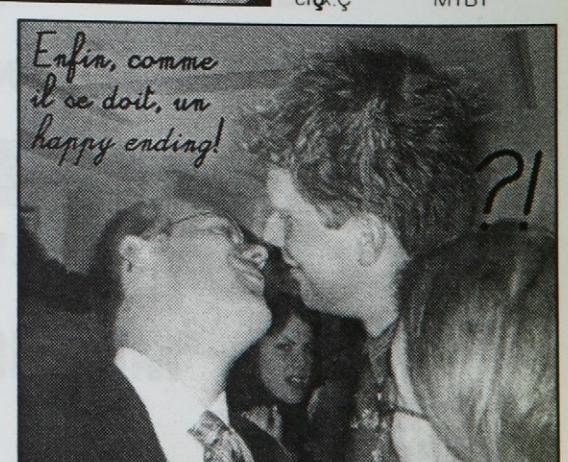
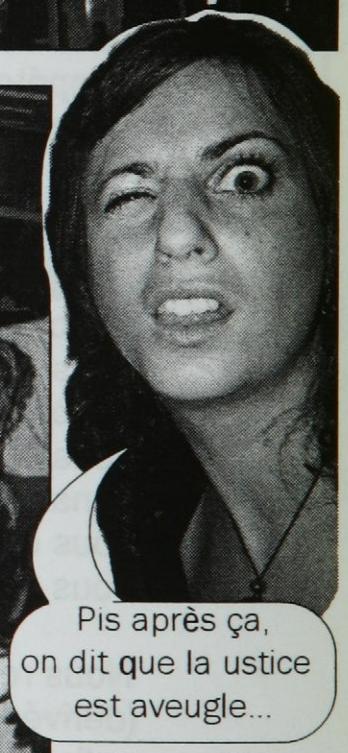
McGill Law Faculty, NCDH room 202



Horreur, déjà 1h? v
I me reste le Renvoi relatif à la sécession... Quoi? v
à 1 pages À ce rythme-là, j'y serai encore demain! Bon, au diable la démocratie et la primauté du droit, vive les open bars et le PR, allons-y!

Bonne idée, Max, car au bal de bienvenue, il s'en passe des choses...

SO FUTILE



Trouvez Charlie, enfin, Max...



Vers minuit...

...programme d'hygiène dentaire au Pérou, blabla, alors, j'ai tout foutu là, et je suis allée méditer dans la jungle, comme LeClézio. D'ors, tu repenses à ce que tu faisais à la chute du mur de Berlin, tu sais. Ouais, c'est sûr... car je ne connais rien de plus romantique que la poésie bulgare du XVIIIe siècle. Ma préférée aussi! influence des peintres hollandais sur le mouvement rastafarien. Tournée des vignobles en apprenant l'ourdou, blabla, conservatoire à Florence pour écouter la *Pastorale églogue* de Charpentier à X4z1. Et puis C'était quand au juste? Oh, ça fait longtemps, c'était après ma deuxième maîtrise, un peu avant que je commence mon doctorat. Mais bon, assez sur moi. Toi, Max? C'est quoi ton background?



Merci à tous ceux qui ont accepté de poser au bal de bienvenue et nos excuses aux autres...

Max: Olivier Cournoyer Boutin (U1), Garth: Frédéric Wilson (U4), la Chix: Sandrina Antohi (U2). Conception: Marguerite Tinawi (U3) et Laurence Bich-Carrière (U4). ENVIE DE VOUS EXHIBER DANS LA SUITE? CONTACTEZ-NOUS ÉLECTRONIQUEMENT OU ATTRAPEZ-NOUS DANS LES COULOIRS!

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A Few Extra Dollars?

For special events the Faculty of Law requires assistance on a part-time basis.

The names of interested students will be kept and the work will be distributed among them. Some events will require only one student and for others more will be needed.

Duties will vary according to the event but will include preparing rooms, taking photographs, providing directions, serving food and drinks, assisting guests and similar tasks.

Courtesy, good humour and a smile are essential requirements!

Many Faculty events take place in the evening and some, though rarely, on weekends. The hourly rate is \$8.50/hr.

If you are interested please send an e-mail to:

Maria Marcheschi
Special Events & Alumni Relations Administrator
Faculty of Law

maria.marcheschi@mcgill.ca

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